

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MICHAEL DAUGHERTY,

Plaintiff,

v.

Civil Action 2:10-cv-01069

Judge Peter C. Economus

Magistrate Judge E.A. Preston Deavers

**WARDEN DEBORAH
TIMMERMAN-COOPER, *et al.*,**

Defendants.

ORDER

This matter is before the Court for consideration of the November 17, 2011 Report and Recommendation of the Magistrate Judge. (ECF No. 27.) The Magistrate Judge recommended that the Court grant Defendants' Motion for Judgment on the Pleadings and dismiss Defendants Ernie Moore and Deborah Timmerman-Cooper.

The Report and Recommendation of the Magistrate Judge specifically advised the parties that failure to object to the Report and Recommendation within fourteen days results in a "waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court." (Report & Recommendation 6, ECF No. 27.) The time period for filing objections to the Report and Recommendation has expired. No party has objected to the Report and Recommendation.

The Court reviewed the Report and Recommendation of United States Magistrate Judge Elizabeth A. Preston Deavers, to whom this case was referred pursuant to 28 U.S.C. § 636(b). Noting that no objections have been filed and that the time for filing such objections has expired, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge. Accordingly,

Defendants' Motion for Judgment on the Pleadings is **GRANTED**. (ECF No. 23.) Defendants Ernie Moore and Deborah Timmerman-Cooper are **DISMISSED**. As Defendants Moore and Timmerman-Cooper were the last remaining Defendants in this case, the Clerk is **DIRECTED** to remove this action from the Court's pending case list.

IT IS SO ORDERED.

/s/ Peter C. Economus - December 14, 2011
UNITED STATES DISTRICT JUDGE